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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,057	09/26/2003	Rami Caspi	2003P08220US	7137

7590

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Siemens Corporation  
Attn: Elsa Keller, Legal Administrator  
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EXAMINER

ZEWDU, MELESS NMN

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/672,057	<b>Applicant(s)</b> CASPI ET AL.	
	<b>Examiner</b> Meless N. Zewdu	<b>Art Unit</b> 2683	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-19 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/26/03</u> . | 6) <input type="checkbox"/> Other: ____  |

### **DETAILED ACTION**

1. This action is the first on the merit of the instant application.
2. Claims 1-19 are pending in this action.

### ***Drawings***

The drawings are objected to because of the following problems. In Fig. 4, some of the boxes/elements are not labeled; In Fig. 6, the phrase, "sheet 8 of 27", on top of Fig. 6, should be placed at the upper edge/head of the sheet/page since it confuses with the labeling "Fig. 6"); In Figs. 6-12, 17, 19A-19C, 21-23, 28-29, 32 and 35-36, the beginning and ending boxes of the algorithm flow charts are not labeled. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polychronidis et al. (Polychronidis) (US 2003/0018704 A1) in view of Grainger (US 6,910,135 B1).

**As per claim 1:** Polychronidis discloses a telecommunications system, comprising:

a plurality of network clients including a positioning controller (see fig. 1, element 2; page 1, paragraphs 0021 and 0022), wherein examiner considers the one mobile device of the prior art as an exemplary;

a positioning server including a coordinating controller for maintaining a database of network clients to be tracked (see abstract; fig. 2, element 27 and fig. 4, element 41; page 3, paragraph 0032).

wherein said positioning server is adapted to receive position information from said plurality of network clients and distribute presence information related to said

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position information as one or more text messages to one or more network enterprise devices (see abstract; page 1, paragraph 0022; page 2, paragraph 0026; page 3, paragraph 0032; page 4, paragraph 00). But, Polychronidis does not explicitly teach about a database that correlates presence-position information for individual users, as claimed by applicant. However, in a related field of endeavor, Grainger teaches about a database/event correlation engine/ that correlates various information including presence and position regarding an intruder and provide the information to subscribers (see abstract, particularly lines 17-26; fig. 2, element 170; col. 4, line 61-col. 5, line 6). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teaching of Polychronidis with that of Grainger for the advantage of providing a rule-based customized behavior model capable of identifying a wide range of user activities (see col. 3, lines 23-27).

**As per claim 2:** Polychronidis teaches a telecommunications system, wherein said positioning controller receives global positioning network signals for determining a position of an associated network client (see page 2, paragraphs 0020-0021).

**As per claim 3:** Polychronidis teaches a telecommunications system, wherein said communications controller comprises a cellular network controller for transmitting on a cellular telephone network to said positioning server (see abstract; figs. 1 and 2; page 1, paragraph 0021).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Polychronidis in view of Kauppinen (US 2004/0152454 A1).

**As per claim 5:** Polychronidis discloses a telecommunications server, comprising:

a presence control unit adapted to receive and maintain presence information for a plurality of users (see fig. 2, element 27; abstract; page 1, paragraphs 0019-0020), wherein NPL stands for Network Presence and Location;

a location control unit adapted to receive and maintain location information for said plurality of users, said location information correlated with said presence information (see fig. 2, element 27; abstract; ; page 1, paragraphs 0019-0020);

generating presence status and location-presence correlation information from said location information for network users (see page 3, paragraphs 0019-0020, 0041-0044). But, Polychronidis does not explicitly teach about an e-mail generation unit adapted to generate presence status e-mail, as claimed by applicant. However, in a related field of endeavor, Kauppinen teaches about provision of content to mobile users wherein mobile users are provided with the capability of, among others, to send and receive emails or other text messages to receive various types of content from a server entity (see page 1, paragraph 0006). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teaching of Polychronidis with that of Kauppinen for the advantage of providing mobile user with the capability of receiving various services (see page 1, paragraph 0006).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references applied to claim 5 above and further in view of Chan (US 6,760,759 B1).

**As per claim 6:** but, the references applied to the rejection of claim 5 above, do not explicitly teach about, a telecommunication server, wherein said location control unit receives said location information via an enterprise specific dial-up, as claimed by applicant. However, in a related field of endeavor, Chan teaches about a system to support mobile visual communications wherein a mobile telephone is provided a wireless dial-up capability (see fig. 2, element 21; col. 1, lines 19-22; col. 4, lines 32-36). When the references are combined as shown, a remote device will be able to wirelessly dial-up to a location controller (HLR/MSC) and through the HLR/MSC to NPL Agent. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to further modify the above references with the teaching of Chan for the advantage of providing mobile devices with support system for dial-up internet communications.

Claims 7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polychronidis et al. (Polychronidis) (US 2003/0018704 A1) in view of Yoakum et al. (Yoakum) (US 6,658,095 B1).

**As per claim 7:** Polychronidis discloses a telecommunications method (see figs. 4, element 41; NPL Agent), comprising:

receiving one or more user positioning and presence (see abstract), at a local controller (see page 3, paragraph 0032);

transmitting/deliver said one or more positioning and presence correlation to a remote device as one or more e-mails (see abstract; page 3, paragraph 0037). Since, presence and location are stored at same NPL Agent (server) and both are provided to a requesting user, examiner considers the prior art presence and location as correlated. Furthermore, SMS message is sent/received via e-mail. But, Polychronidis does not explicitly teach about presence correlation rule, as claimed by applicant. However, in a related field of endeavor, Yoakum teaches about a customized presence information delivery technique wherein presence rules defined by a user are utilized to deliver presence information (see col. 3, lines 47-61; col. 4, lines 49-56). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teaching of Polychronidis with that of Yoakum for the advantage of customizing the presence information provided by Polychronidis.

**As per claim 8:** Polychronidis teaches about a telecommunications method, further comprising:

receiving positioning updates at said remote device (see page 3, paragraph 0036); and updates transmitting presence updates as one or more presence to other local controllers or remote devices as specified in said one or more positioning and presence correlation (see page 3, paragraph 36; page 4, paragraphs 0051-0063). It is known that the HLR, as a mobile user registers to a network, updates its location. But, Polychronidis does not explicitly teach the different features of claim 8, which are directed to transmitting, via email, presence correlation rules, to other local controllers or remote devices, as claimed by applicant. However, Yoakum teaches about a



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customized presence information wherein presence information is collected and delivered to subscriber based on rules/profiles defined by a user (see col. 2, lines 31-47; col. 4, lines 40-60), including transmitting, via email (see col. 7, line 50-col. 8, line 57), the presence/current information (based on the rules/profile) and dynamic location (location update) (see col. 5, lines 37-62) to subscribing devices. Motivation is same as provided in the rejection of claim 7.

**As per claim 9:** the feature of claim 9 is similar to the feature of claim 8, except one difference directed to receiving at a server one or more rules set via a network interface device operably coupled to said local controller, which is taught by Yoakum (see fig. 2, particularly, elements 52 and 62; col. 7, lines 10-35).

**As per claim 10:** Polychronidis teaches a telecommunications method, wherein said receiving positioning updates comprises receiving one or more signals from a global positioning network (see page 2, paragraphs 0020-0021).

**As per claim 11:** Polychronidis teaches a telecommunications method, further comprising transmitting positioning information from said remote device to one or more servers via a radio-linked network (see figs. 1 and 2; abstract). Polychronidis does not explicitly teach about transmitting position updates, as claimed by applicant. However, Yoakum teaches about dynamically deriving location information from mobile terminals for use of customized presence service (see col. 5, lines 37-62). Motivation is as provided in the rejection of claim 8.

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**As per claim 12:** Polychronidis teaches a telecommunications method, wherein said radio-linked network comprises a cellular telephone network (see abstract; figs. 1 and 2; page 1, paragraph 0021).

**As per claim 13:** Polychronidis teaches a telecommunications method, wherein said radio-linked network comprises a personal communication service (PCS) network (see page 5, paragraph 0066). PCS is provided by GSM.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polychronidis in view of Adamczyk et al. (US 2004/0266398 A1).

**As per claim 14:** Polychronidis discloses a telecommunications device, comprising:

a positioning controller adapted to determine positioning information for said telecommunications device (see page 1, paragraph 0003);

a communications controller adapted to receive said positioning information from said positioning controller and cause said positioning information to be transmitted to an associated server (see page 1, paragraph 0003). The remote application can be considered as an associated server. But, Polychronidis does not explicitly teach about an e-mail controller adapted to receive control updates from said associated Server, as claimed by applicant. However, in a related field of endeavor, Adamczyk teaches about updating a location of a mobile terminal when an e-mail transmission is established between the mobile terminal and between a communication network (see page 3, paragraph 0022). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teaching of

Polychronidis with that of Adamczyk for the advantage of providing mobile terminals an alternative way of information transmission (see page 3, paragraph 0022).

**As per claim 15:** Polychronidis teaches about a telecommunications device, wherein said positioning controller receives Global Positioning System (GPS) signals to determine said positioning information (see page 1, paragraph 0021).

Claims 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references applied to claims 14 and 15 above, and further in view of Yoakum et al. (Yoakum) (US 6,658,095 B1).

**As per claim 16:** but, the references applied to claims 14 and 15 above, do not explicitly teach about a telecommunications device, further including a rules database of location and presence related information, as claimed by applicant. However, in a related field endeavor, Yoakum teaches about customized presence information delivery technique wherein presence information to subscribers is delivered based on rules stored in a rules management/database (see fig. 2, element 58; col. 2, lines 31-43; col. 4, lines 35-52). Note: when the references are combined as shown above, the modified reference would have included a rules management/database based on which location and presence information is delivered to subscribers. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to further modify the above references with the teaching of Yoakum for the advantage of customizing user defined/customized presence information delivery system for subscribers.

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**As per claim 19:** Yoakum teaches a telecommunications device, wherein said communications controller receives updates to said rules database as e-mails from said associated server (see col. 7, line 59-col. 8, line 13, lines 42-57).

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references applied to claims 14-16 above and further in view of Chan (US 6,760,759 B1).

**As per claim 17:** the references applied to claims 14-16, do not explicitly teach about a telecommunications device, wherein said communications controller transmits changes to location and presence status to said associated server via a wireless dial-up connection, as claimed by applicant. However, in a related field of endeavor, Chan teaches about a system to support mobile visual communications wherein a mobile telephone is provided a wireless dial-up capability (see fig. 2, element 21; col. 1, lines 19-22; col. 4, lines 32-36). Note: Presence-location service, including updating the service is provided in the above references. The clear difference between the above references and the feature of claim 17 is the wireless dial-up feature in claim 17, which is taught by Chan. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to further modify the above references with the teaching of Chan for the advantage of providing mobile devices with support system for dial-up internet communications.

**As per claim 18:** the feature of claim 18 is similar to the feature of claim 17. A modified mobile device would be able to access the NPL service via wireless dial-up.

***Allowable Subject Matter***

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N. Zewdu whose telephone number is (571) 272-7873. The examiner can normally be reached on 8:30 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Any inquiry relating of a general nature relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

Meless zewdu

A handwritten signature in cursive script, appearing to read 'Zewdu, Meless'.

Examiner

28 November 2005.